



OFFICIAL

**Back Pocket Brief Number: F-1
PDR Number: SB25-000175**

BACK POCKET BRIEF

Additional Estimates Hearing – February 2025

Topic: Foreign Fighters
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key Issues:

- ABF officers have legislative powers to question arriving and departing travellers and examine their baggage to detect breaches of the *Customs Act 1901* (Customs Act), *Migration Act 1958*, *Biosecurity Act 2015* and other Commonwealth legislation.
 - Section 186 of the Customs Act permits ABF officers to question travellers and examine baggage in order to ensure travel is legitimate and compliant with Australian law.

Travelling to/from conflict zone

s. 22(1)(a)(ii)

- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- Where the ABF suspects a Criminal Code offence, the traveller is referred to the Australian Federal Police (AFP). AFP is the lead agency for investigating foreign incursion and recruitment offences under the Criminal Code.

s. 22(1)(a)(ii)

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- **s. 22(1)(a)(ii)**

Israeli soldiers entering Australia

- The ABF does not hold any border alerts for persons suspected of travelling from Israel to Australia having fought with the Israeli Defence Force (IDF).
- Although it is not a criminal offence for an Australian to serve with the IDF, Australian law provides for extended geographical jurisdiction for offences allegedly committed by Australians in overseas conflict zones.
- The ABF is aware of media reporting of IDF personnel being investigated for war crimes outside of Israel.
- Any questions regarding investigations of Australians serving in the IDF can be referred to the AFP.

s. 22(1)(a)(ii)



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**Back Pocket Brief Number: F-1
PDR Number: SB25-000175**

Consultation:

Area	Title and position
Home Affairs	Counter Terrorism Coordination Centre

Additional References:

- SB23-001255 – *Conflict in Israel and Occupied Palestinian Territories*
- s. 22(1)(a)(ii)
- SQ24-002142 – *ABF intervention - persons travelling to Israel to fight with the IDF*
- SQ24-002146 – *People of a military age arriving in Australia from Israel*

s. 22(1)(a)(ii)

Cleared through:	Tony Smith, Assistant Commissioner, Customs Compliance, Enforcement & Targeting Division 22 January 2025
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner, National Operations Group 04 February 2025

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**Key Brief Number: ABF-06
PDR Number: SB25-000038**

KEY BRIEF

Additional Estimates Hearing – February 2025

Topic: Travel to / from Conflict Zones
Group: National Operations
Division: Customs Compliance, Enforcement and Targeting

Key Points:

- Australian Government agencies are alert to the potential for Australians to travel to conflict zones and engage in hostilities.
- There are a range of measures in place to deter foreign fighters travelling to overseas conflict zones.
- The Australian Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- The Australian Government does not routinely track the movement of Australians overseas.

Key Statistics:

- Between 1 July 2023 and 15 January 2025, two interventions have occurred with Israeli/Australian dual citizens or permanent residents aged between 18 and 35 returning to Australia, to establish if the individual engaged with the Israeli military or had otherwise engaged in conflict within Israel and occupied Palestinian Territories.

s. 22(1)(a)(ii)

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Key Issues:

s. 22(1)(a)(ii)

Travel to / from foreign conflict zones

- The ABF does not comment on individual cases.
- The Australian Government is alert to the potential for Australians to travel to conflict zones and engage in hostilities.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- The Department of Foreign Affairs and Trade is responsible for the provision of travel advice for Australians travelling overseas and other measures, including, passport refusal/cancellation/suspension action, and foreign incursions and recruitment offences.
- The Department of Home Affairs and ABF do not track individuals travelling overseas intending to serve in the s. 22(1)(a)(ii) or Israeli Defence Force (IDF).



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Key Brief Number: ABF-06

PDR Number: SB25-000038

- Where the ABF suspects a traveller may be travelling to a conflict zone or to support a war, a border intervention may include the provision of information that:
 - a criminal offence may be committed should the traveller engage in hostile acts with a militia group that is not aligned with a sovereign military;
 - the Australian Government remains aware of suspected war crimes committed in conflict regions and engagement in such activities could result in prosecution of offences relating to war crimes or crimes against humanity; and
 - the Australian Government is limited with assistance it can provide in certain locations around the world.

s. 22(1)(a)(ii)

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Key Brief Number: ABF-06
PDR Number: SB25-000038

Consultation:

Area	Title and position
ABF	Counter Proliferation

Related Briefs:

- SB23-001255 – *Conflict in Israel and Occupied Palestinian Territories*
- s. 22(1)(a)(ii)
- SQ24-002142 - *ABF intervention - persons travelling to Israel to fight with the IDF*
- SQ24-002146 - *People of a military age arriving in Australia from Israel*

s. 22(1)(a)(ii)

Cleared through:	Tony Smith, Assistant Commissioner, Customs Compliance, Enforcement & Targeting Division 21 January 2025
Final clearance: Position: Date:	Tim Fitzgerald Deputy Commissioner, National Operations Group 04 February 2025

OFFICIAL

From: S. 22(1)(a)(ii)
Sent: Monday, 21 October 2024 4:32 PM
To: S. 22(1)(a)(ii) Customs Enforcement Executive Support
Cc: John TAYLOR
Subject: RE: Persons Potentially Engaging in Conflict Senate Estimates Prep [SEC=OFFICIAL]

OFFICIAL

Hi S. 22(1)(a)(ii)

The below is approved with minor edits in red

- Have there been any further interventions with people intending to fight in conflicts overseas since the last Estimates hearing? What was their intent for travel?
 - Since 01 June 2024, the ABF are aware of six (6) individuals departing Australia to **participate** in conflicts overseas. S. 22(1)(a)(ii)
 - S. 22(1)(a)(ii)
 - A further three (3) individuals arrived into Australia and were subject to intervention by ABF, having sought to participate in conflicts overseas. S. 22(1)(a)(ii)
 - S. 22(1)(a)(ii) one (1) individual sought to fight on behalf of the Israeli Defence Force (IDF).
- Did you arrest them and why not?
 - Pursuant to the *Criminal Code Act 1995*, it is not a foreign incursion offence to fight for the armed forces of the government of a foreign country, including the Ukrainian armed forces or the IDF, **therefore there have been nil arrests**.
- Do you know where they are now and will you intervene with them on return to Australia?
 - Australia does not track the movements of Australians once they have departed Australia.
 - ABF **may** intervene with **some of** these individuals when they return to Australia.

S. 22(1)(a)(ii)

Many thanks
S. 22(1)(a)(ii)

S. 22(1)(a)(ii)
 A/g Commander
 Customs Enforcement
 Customs Compliance, Enforcement and Targeting
 National Operations Group | Australian Border Force

P: S. 22(1)(a)(ii)
E:

OFFICIAL

From: S. 22(1)(a)(ii) @abf.gov.au>
Sent: Monday, 21 October 2024 3:24 PM
To: Customs Enforcement Executive Support <S. 22(1)(a)(ii) @abf.gov.au>
Cc: S. 22(1)(a)(ii) @abf.gov.au>; John TAYLOR S. 22(1)(a)(ii)@abf.gov.au>
Subject: RE: Persons Potentially Engaging in Conflict Senate Estimates Prep [SEC=OFFICIAL]

OFFICIAL

Good afternoon S. 22(1)(a)(ii)

S. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Regards

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Superintendent | Counter Terrorism

Customs Enforcement Branch | Customs Compliance, Enforcement and Targeting

National Operations

Australian Border Force

P: s. 22(1)(a)(ii)

E:

Counter Terrorism mailbox: [s.22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au) | SEC: s. 22(1)(a)(ii)

Counter Terrorism out of hours: s. 22(1)(a)(ii)

OFFICIAL

From: John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>

Sent: Wednesday, 16 October 2024 4:19 PM

To: s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@abf.gov.au>

Subject: FW: Persons Potentially Engaging in Conflict Senate Estimates Prep [SEC=OFFICIAL]

OFFICIAL

Hey s. 22(1)(a)(ii)

Can you provide responses to the below please?

s. 22(1)(a)(ii) - can you please add the responses to the SharePoint document s. 22(1)(a)(ii) has provided.

Thanks

JT

John Taylor

Commander - Customs Enforcement

Customs Compliance, Enforcement and Targeting | National Operations Group

Australian Border Force

Ph: s. 22(1)(a)(ii)

Mob: s. 22(1)(a)(ii)

Email: s. 22(1)(a)(ii)@abf.gov.au

Executive Assistant:

s. 22(1)(a)(ii)



Australian
BORDER FORCE

OFFICIAL

From: AC Customs Compliance Enforcement & Targeting Executive Support <s. 22(1)(a)(ii)@abf.gov.au>

Sent: Wednesday, 16 October 2024 3:49 PM

To: John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>

Cc: Customs Enforcement Executive Support <s. 22(1)(a)(ii)@abf.gov.au>; AC Customs Compliance Enforcement & Targeting Executive Support <s. 22(1)(a)(ii)@abf.gov.au>

Subject: Persons Potentially Engaging in Conflict Senate Estimates Prep [SEC=OFFICIAL]

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under the Freedom of Information Act 1982

Commander

As foreshadowed by AC on Monday, there are some additional topics that have been flagged for preparation ahead of Estimates.

Below are the questions that have been captured to date relevant to persons potentially engaging in conflict.

- Have there been any further interventions with people intending to fight in conflicts overseas since the last Estimates hearing?
- What was their intent for travel?
- Did you arrest them and why not?
- Do you know where they are now and will you intervene with them on return to Australia?

• s. 22(1)(a)(ii)

Regards

s. 22(1)(a)(ii)

Executive Officer to Tony Smith
Assistant Commissioner Customs Compliance, Enforcement and Targeting
National Operations
Australian Border Force

p: s. 22(1)(a)(ii)
e:

Please note I am part time and work Monday-Thursday 9:30-5:00.



The Department of Home Affairs and the Australian Border Force acknowledge the Traditional Custodians throughout Australia and their continuing connection to land, sea and the community. We pay respect to all Aboriginal and Torres Strait Islander peoples, their cultures and to their Elders past and present.

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under the *Freedom of Information Act 1982*

From: s. 22(1)(a)(ii)
To: s. 22(1)(a)(ii)
Cc: [CP Governance; Counter Terrorism](#)
Subject: FW: s. 22(1)(a)(ii) and Travellers [SEC=OFFICIAL:Sensitive]
Date: Monday, 4 November 2024 3:43:30 PM

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

Thanks for the points to support Estimates – please see below what went to DC.

Cheers,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Superintendent Counter Proliferation
 Customs Enforcement | Customs Compliance, Enforcement and Targeting
 National Operations | Australian Border Force
 P: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)
 E: s. 22(1)(a)(ii) [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)

OFFICIAL: Sensitive

From: John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>
Sent: Monday, 4 November 2024 3:41 PM
To: s. 22(1)(a)(ii) @abf.gov.au>; Penelope SPIES s. 22(1)(a)(ii) @abf.gov.au>;
 s. 22(1)(a)(ii) @abf.gov.au>; Tony SMITH s. 22(1)(a)(ii) @abf.gov.au>
Cc: Customs Enforcement Executive Support s. 22(1)(a)(ii) @abf.gov.au>;
 AC Customs Compliance Enforcement & Targeting Executive Support
 s. 22(1)(a)(ii) @abf.gov.au>
Subject: RE: s. 22(1)(a)(ii) and Travellers [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

s. 22(1)(a)(ii), thanks for working with teams and s. 22(1)(a)(ii).

A/g DC, I have just spoken to Penny and are providing the below in the interests of time.

Please let me know if you need any further information.

Thanks

JT

OFFICIAL: Sensitive

From: s. 22(1)(a)(ii) @abf.gov.au>
Sent: Monday, 4 November 2024 3:39 PM
To: Penelope SPIES s. 22(1)(a)(ii) @abf.gov.au>; John TAYLOR <s. 22(1)(a)(ii) @abf.gov.au>;
s. 22(1)(a)(ii) @abf.gov.au>
Cc: Customs Enforcement Executive Support s. 22(1)(a)(ii) @abf.gov.au>;
AC Customs Compliance Enforcement & Targeting Executive Support
s. 22(1)(a)(ii) @abf.gov.au>
Subject: RE: s. 22(1)(a)(ii) and Travellers [SEC=OFFICIAL:Sensitive]
Importance: High

OFFICIAL: Sensitive

Good afternoon A/AC Spies

Further to questions raised by A/DC, please find below additional information to support
Estimates from Customs Enforcement.

s. 22(1)(a)(ii)

Question: *What about travellers intending to fight with the Israeli Defence Force (IDF)?*

- Since last Estimate the ABF is aware of one individual arriving in Australia that travelled to support the IDF
 - This individual was subject to a border intervention upon arrival in Australia (no further comment)

s. 22(1)(a)(ii)

Question: *What advice does the ABF provide to an individual flagged as potential foreign fighters?*

- Where the ABF suspects a traveller may be travelling to a conflict zone or to support a war, a border intervention may include:
 - advice that a criminal offence may be committed should the traveller engage in hostile acts with a militia group that is not aligned with a sovereign military

s. 22(1)(a)(ii)

- Questions relating to government advice provided to Australians seeking to travel overseas should be directed to DFAT

s. 22(1)(a)(ii)

Cheers,

s. 22(1)(a)(ii)

OFFICIAL: Sensitive

From: Tony SMITH <Tony.Smith@abf.gov.au>

Sent: Monday, 4 November 2024 11:42 AM

To: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)>

Cc: DC National Operations Executive Support s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)>; John

TAYLOR <John.Taylor@abf.gov.au>; Customs Enforcement Executive Support

s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)>

Subject: RE: s. 22(1)(a)(ii) and Travellers [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks s. 22(1)(a)(ii) – that's all very much appreciated

Kind regards

Tony

OFFICIAL: Sensitive

From: s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)>

Sent: Monday, 4 November 2024 11:36 AM

To: Tony SMITH <Tony.Smith@abf.gov.au>

Cc: DC National Operations Executive Support **s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au); John TAYLOR <John.Taylor@abf.gov.au>; Customs Enforcement Executive Support **s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)

Subject: RE: **s. 22(1)(a)(ii)** and Travellers [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Good morning acting DC Smith

I have discussed the points with Counter Proliferation and Counter Terrorism below.

s. 22(1)(a)(ii)

Please let me know if any further points are required – I will also be online for Estimates.

Cheers,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Superintendent Counter Proliferation

Customs Enforcement | Customs Compliance, Enforcement and Targeting

National Operations | Australian Border Force

P: **s. 22(1)(a)(ii)** | M: **s. 22(1)(a)(ii)**

E: **s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)

OFFICIAL: Sensitive

From: Tony SMITH <**s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)>

Sent: Monday, 4 November 2024 10:06 AM

To: **s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)

Cc: DC National Operations Executive Support **s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au); John TAYLOR **s. 22(1)(a)(ii)** [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)

Subject: **s. 22(1)(a)(ii)** and Travellers [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi **s. 22(1)(a)(ii)**

Thanks again for cross-checking what I have for the two topics. Appreciate if you can review the following – make any changes and add any detail that you think is pertinent to answering the

two questions succinctly.

Thanks

Tony

s. 22(1)(a)(ii)

OFFICIAL: Sensitive



MEETING BRIEF

The Hon Andrew Giles MP

Key logistics	
Meeting	Lebanese Community Online Preliminary Roundtable
Date and time	Friday 5 July 2024, 2:30-3:30pm
Location	s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Attachment E: Talking points

s. 22(1)(a)(ii)

Australian citizens returning to Australia

- The Australian Border Force works closely with domestic and international agencies to ensure that any threats or risks posed by persons seeking to enter Australia are appropriately managed.
- The Australian Government is committed to protecting the safety of all Australians, and has robust domestic measures and strong international partnerships in place to address terrorism risks.
- Consistent with this approach, there are appropriate security checks for anyone travelling to Australia.
- Australia also has strong laws aimed at discouraging the movement of Australians who pose security concerns, including passport cancellations
 - These laws include offences associated with foreign incursions or terrorism recruitment.

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under the Freedom of Information Act 1982

Foreign fighters

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of the government of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a government of a foreign country does not extend to other Commonwealth criminal offences.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

s. 22(1)(a)(ii)

- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Broader Regional Issues

If raised: Australian citizens serving with the IDF

- Australia's consistent position in the Hamas-Israel conflict has been to call for the protection of civilian lives and the observation of international humanitarian law.
- Under the Criminal Code Act 1995 (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country
 - this discourages Australians from fighting in overseas conflicts and endangering their lives and the lives of others.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

From: s. 22(1)(a)(ii)
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: FW: Dot points - Senate Estimates - regarding border interventions relating to the Israel/Hamas conflict [SEC=OFFICIAL:Sensitive]
Date: Friday, 21 June 2024 8:13:54 AM
Attachments: [fa-231201097 - document-released.pdf](#)
[SQ24-000998 - version with MO.docx](#)

OFFICIAL: Sensitive

s. 22(1)(a)(ii)

The below should address JT's request sent to both you and the mailbox and for which he has sought a response by 10am.

Thanks

s. 22(1)(a)(ii)

Inspector, ABF Counter Terrorism
 Customs Enforcement Branch
 Customs Compliance, Enforcement and Targeting Division
 National Operations Group
 Australian Border Force

P: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii) @abf.gov.au

OFFICIAL: Sensitive

From: Penelope SPIES <s. 22(1)(a)(ii)@abf.gov.au>
Sent: Monday, 29 April 2024 2:59 PM
To: AC Customs Compliance Enforcement & Targeting Executive Support
 s. 22(1)(a)(ii)@abf.gov.au
Cc: Special Investigations Coordination ACT s. 22(1)(a)(ii)@abf.gov.au; s. 22(1)(a)(ii)
 s. 22(1)(a)(ii)@abf.gov.au
Subject: Dot points - Senate Estimates - regarding border interventions relating to the Israel/Hamas conflict [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii),

Please see below some dot points to support DC at Senate Estimates relating to border interventions regarding the Israel/Hamas conflict. Relevant FOI's attached, and the QoN from spill over Estimtes (CCTC were the lead). I note the FOI for this week has switched back to a media enquiry so will provide that response when finalised. I have added some TP's re Israel/Hamas, s. 22(1)(a)(ii) noting the types of FOI/media enquires we are receiving.

Talking Points

- The Australian Border Force (ABF) enforces Australia's customs, migration and citizenship laws to prevent the movement of violent extremists and in compliance with our international obligations.
- The ABF targets individuals to identify those that may be departing Australia to commit offences in contravention of Australian law and its international obligations.
 - Under Part 5.5 of the *Criminal Code Act 1995 (Cth)*: It is unlawful to enter a foreign country with the intention to engage in a hostile activity, **unless** serving in or with the armed forces of the government of a foreign country.
- The ABF does not track individuals travelling overseas intending to serve in foreign militaries.

s. 22(1)(a)(ii)

Israel/Hamas

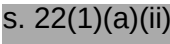
- The ABF has intervened with 3 of the 4 Australian Citizens suspected of departing for Israel to serve with the Israel Defence Force since 7 October 2023 (*as at 29 April 2024 – will be updated before Estimates*).
 - The intervention involved gathering and assessing information.
 - The ABF is unable to provide details of these interventions as it might disclose personal information and will need to take this on notice.
- During interventions of this type the ABF may ask the individual travelling:
 - Details regarding the nature and duration of their travel
 - Remind Australians of the DFAT travel advice for the region
 - Remind travellers that the Australian government may be limited or unable to provide consular assistance in certain areas due to the security environment.

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Regards,

Penny

Penny Spies
Commander
Special Investigations Branch
Customs Division
Australian Border Force
P: s. 22(1)(a)(ii)
M: 
E: @abf.gov.au

OFFICIAL: Sensitive



Australian Government

Department of Home Affairs

In response to the Hamas Israel conflict, the Department of Home Affairs and Australian Border Force's (ABF) operational activities have identified travellers to the conflict region, which has included travellers to Israel to undertake military service with the Israeli Defence Force (IDF).

Information pertaining to whether Australian citizens are serving with foreign military forces may be received by the Department Home Affairs or ABF in the course of normal business and may be recorded in Departmental systems as required' but that it is not recorded in a way that can be reported in the manner sought."

The Department of Home Affairs and the ABF are aware of four (4) Australian citizens who have travelled outside of Australia since 7 October 2023 and who were suspected to have departed Australia to serve or attempt to serve with the IDF.

The ABF intervened with three (3) of the four (4) Australian citizens suspected of departing for Israel since 7 October 2023.

Notes:

1. Source: Department of Home Affairs, 2023 (internal documents).

Caveats:

1. This information is provided for the specific purpose of this request.
2. It is the responsibility of the area providing Department of Home Affairs information to external stakeholders to ensure that the disclosure is in accordance with the ABF Act, Australian Privacy Principles or other relevant legislation.

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under the Freedom of Information Act 1982
Released by Department of Home Affairs
under the Freedom of Information Act 1982

PDR Number: SQ24-000998

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ADDITIONAL ESTIMATES
FEBRUARY 2024**

**Home Affairs Portfolio
Department of Home Affairs**

Program 1.2: National Security and Resilience

**AE24-XXX - SPILLOVER - Tracking of Australian Citizens going to serve for the
Russian military**

Senator James Paterson asked:

s. 22(1)(a)(ii)

Senator SHOEBRIDGE: Thank you. Secretary, in response to an FOI request to your department—the answer of which I got on 19 March—your department said that it was aware of only four Australian citizens who have travelled outside of Australia since 7 October 2023 and who were suspected to have departed Australia to serve or attempt to serve with the Israel Defense Forces. Is that seriously the case? You're aware of only four Australian citizens?

Ms Foster: I don't have the FOI in front of me, but I'm sure, if that's what the FOI says—

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under the Freedom of Information Act 1982

Senator SHOEBRIDGE: I'm happy to give you a copy.

CHAIR: If you can get a copy to table, that would provide the opportunity for the secretary to have a look at them.

Senator SHOEBRIDGE: We're aware of only four?

Ms Foster: That would've been prepared within Mr Smyth's area. We're just seeking to establish if anyone here has any other detail, but I go back to my first point: if the FOI says there are only four then I'm sure that was well researched.

Senator SHOEBRIDGE: Is there any tracking by Home Affairs of Australians heading overseas to serve in foreign militaries, or is it just an 'ask no questions; get no answers' situation? Is there any tracking?

Mr Smyth: It is the right of people to serve in foreign military organisations, particularly as we know that some dual citizens do. We don't track individuals—for privacy reasons and for their own considerations—who are potentially travelling overseas to do that. As I said, I'm not exactly 100 per cent certain. I'd have to work out exactly why and how the information came to hand in relation to these potential four individuals, but, as a matter of course, we don't track individuals who are travelling overseas. We certainly do if

s. 22(1)(a)(ii)

Senator SHOEBRIDGE: Well, the FOI response says: The ABF intervened with three (3) of the four (4) Australian citizens suspected of departing for Israel since 7 October 2023. What was the intervention?

Ms Foster: It would appear that we don't have the officer who prepared this material here—

Senator SHOEBRIDGE: We have a gentleman stepping forward.

Ms Foster: with us—or we might.

Senator SHOEBRIDGE: You don't have any wing there, Secretary. I can see better than you when people stand up.

CHAIR: Just to assist, if you do have an answer to the question, could you provide it in the next minute, and then we'll be adjourning. If you could sit quickly—that's what I'm asking.

s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

s. 22(1)(a)(ii)

Question:

I'd have to work out exactly why and how the information came to hand in relation to these potential four individuals.

- The Australian Border Force (ABF) takes action at the border for a whole range of reasons. This can include through profiling or targeting of individuals to ensure compliance with Australian law and its international obligations. In these specific interventions, ABF officers assessed indicators of travel to Israel.

Question:

The ABF intervened with three (3) of the four (4) Australian citizens suspected of departing for Israel since 7 October 2023. What was the intervention?

- The intervention involved ABF officers speaking with the departing passengers, having assessed indicators of travel to Israel. For reasons of privacy, the ABF is not able to provide details of the specific intervention.

Question:

Was the intervention to prevent them, to encourage them or to just seek information?

- The ABF intervention was to ensure compliance with Australian law and international obligations, in this instance through the gathering and assessment of information provided.

s. 22(1)(a)(ii)

Reporting Period:**Since last hearings: 1 September 2023 – 31 December 2023****Financial Year: 1 July 2023 – 31 December 2023****Responsible Officer:****Deputy Secretary National Security and Resilience, Nathan Smyth****Tel:** s. 22(1)(a)(ii)**Date Approved:****SES Contact Officer:** s. 22(1)(a)(ii), A/g Assistant Secretary CT Operational Coordination,
s. 22(1)(a)(ii)**Consultation: ABF Special Investigations Branch****Additional Clearance from:****Assistant Commissioner Customs, Tony Smith****Tel:** s. 22(1)(a)(ii)**Date Approved: 16 April 2024**

Released by Department of Home Affairs
under the Freedom of Information Act 1982

PDR Number: SQ24-002010

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES
MAY 2024**

**Home Affairs Portfolio
Department of Home Affairs**

Program 1.4: Counter-Terrorism

**BESO24-04 - SPILLOVER - FOI - Australian residents left to join the Israeli
defence forces**

Senator David Shoebridge asked:

Senator SHOEBRIDGE: Secretary, through you to whichever official is appropriate, in reply to a freedom of information request my office asked in December last year about how many Australian residents had left to join the Israeli defence forces, your department said they were only aware of four cases. How many are you aware of now?

Ms Foster: Senator, I'm sorry, I think that comes under outcome 1, and we don't have any outcome 1 officials with us tonight because we were asked to prepare for 2 and 3.

Senator SHOEBRIDGE: You don't have anyone who can—

Ms Foster: We were specifically asked to come for outcomes 2 and 3, and so there are no outcome 1 officials present tonight.

Senator SHOEBRIDGE: It was my understanding that all outcomes were open for estimates.

CHAIR: Just outcomes 2 and 3.

Senator SHOEBRIDGE: Well, will you take it on notice?

Ms Foster: Of course.

Senator SHOEBRIDGE: I might note that I found that answer somewhat unusual, because a separate FOI had shown that between October 2015 and September 2016, just the first month, more than 2,000 Australian residents had left to go to Israel, with the bulk of those being aged 16 to 35, which seems grossly inconsistent with you only knowing of four that left as of December. Will you take that information on notice as well?

Ms Foster: We will.

Senator SHOEBRIDGE: Could you answer how many people you understand have left to fight with the Israel Defense Forces since the conflict commenced in October, and could you also do the same in relation to the s. 22(1)(a)(ii) [REDACTED], if you track anybody going to fight there. Do you know if that happens? If so, have you tracked the numbers in the last two years, since the most recent conflict commenced in s. 22(1)(a)(iii) [REDACTED]?

Ms Foster: Understood, Senator.

Answer:

The Department of Home Affairs and the Australian Border Force are aware of four individuals who have travelled outside of Australia since 7 October 2023 and who were suspected to have departed Australia to serve or attempt to serve with the Israeli Defence Force.

s. 22(1)(a)(ii)

The Department of Home Affairs and Australian Border Force do not track individuals travelling overseas intending to serve in foreign military services.

Reporting Period: Since last hearings: 1 January 2024 – 31 March 2024 Financial Year: 1 July 2023 – 31 March 2024			
Responsible Officer: Assistant Commissioner, Customs Compliance and Enforcement, Tony Smith Tel: s. 22(1)(a)(ii) Date Approved: 12 July 2024			
SES Contact Officer: John Taylor, Commander Customs Enforcement s. 22(1)(a)(ii)			
Consultation:			
Additional Clearance from: (Highlight applicable) Legal Finance Statistics			

PDR Number: SQ24-001792

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES
MAY 2024**

**Home Affairs Portfolio
Department of Home Affairs**

Program 3.4: Border Enforcement

BE24-0751 - Australian citizens fighting in the Israeli Defence Force

Senator David Shoebridge asked:

Provide all correspondence (emails, briefings for estimates) from Home Affairs concerning Australian citizens fighting in the Israeli Defence Force since October 7.

Answer:

The Department of Home Affairs has identified the following briefing material and external correspondence concerning Australian citizens fighting in the Israeli Defence Force since October 7:

Senate Estimates Briefs

- SB23-001255 – Conflict in Israel and Occupied Palestinian Territories
- SB24-000402 – Conflict in Israel and Occupied Palestinian Territories

Media Enquiries

- 240423 – Foreign Fighters
- 240530 – Israeli-Australians travelling overseas
- 240620 – Australians fighting with IDF
- 240613 – Foreign Fighters

Reporting Period:

Since last hearings: 1 January 2024 – 31 March 2024

Financial Year: 1 July 2023 – 31 March 2024

Responsible Officer: Gemma Smyth, A/g Deputy Secretary, National Security and Resilience

Tel: s. 22(1)(a)(ii)

Date Approved: 29 July 2024

SES Contact Officer: Gemma Smyth, A/g Deputy Secretary, National Security and Resilience**Consultation: Australian Border Force, Media and Communications Branch, Social Cohesion Taskforce, Visa Support Centre, International Division, Freedom of Information****Additional Clearance from:** *(Highlight applicable)***Legal****Finance****Statistics**

Adviser	
DCOS	
Private Secretary	
COS	

From: s. 22(1)(a)(ii)
Sent: Friday, 24 May 2024 6:20 PM
To: s. 22(1)(a)(ii)
Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries[SEC=PROTECTED]

~~PROTECTED~~

This would be my suggestion:

Good evening Tony/John,

S. 47C(1)

s. 22(1)(a)(ii)
Inspector | Counter Terrorism
Customs Enforcement Branch | Customs Compliance, Enforcement and Targeting
National Operations
Australian Border Force
P: s. 22(1)(a)(ii) | M: s. 22(1)(a)(ii)
E: s. 22(1)(a)(ii) [@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au)

Counter Terrorism mailbox: [s. 22\(1\)\(a\)\(ii\)@abf.gov.au](mailto:s.22(1)(a)(ii)@abf.gov.au) | SEC: s. 22(1)(a)(ii)
Counter Terrorism out of hours: s. 22(1)(a)(ii)

~~PROTECTED~~

From: s. 22(1)(a)(ii)@abf.gov.au>
Sent: Friday, 24 May 2024 6:03 PM
To: s. 22(1)(a)(ii)@abf.gov.au>
Subject: FW: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries[SEC=PROTECTED]

~~PROTECTED~~

Good evening Tony/John,

S. 47C(1)

Regards,

s. 22(1)(a)(ii)

~~PROTECTED~~

Released by Department of Home Affairs
under the Freedom of Information Act 1982

From: John TAYLOR <S. 22(1)(a)(ii)@abf.gov.au>
Sent: Friday, 24 May 2024 5:09 PM
To: Tony SMITH <S. 22(1)(a)(ii)@abf.gov.au>
Cc: S. 22(1)(a)(ii)@abf.gov.au <S. 22(1)(a)(ii)@abf.gov.au>; AC Customs Compliance Enforcement & Targeting Executive Support <S. 22(1)(a)(ii)@abf.gov.au>
Subject: Re: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=~~PROTECTED~~]

~~PROTECTED~~

Hi Tony

We will confirm that.

S. 22(1)(a)(ii)

Thanks

JT

Sent by Email+

~~PROTECTED~~

From: "Tony SMITH" <S. 22(1)(a)(ii)@abf.gov.au>
Date: Friday 24 May 2024 at 4:41:22 PM
To: "John TAYLOR" <S. 22(1)(a)(ii)@abf.gov.au>
Cc: S. 22(1)(a)(ii)@abf.gov.au <S. 22(1)(a)(ii)@abf.gov.au>, S. 22(1)(a)(ii)@abf.gov.au <S. 22(1)(a)(ii)@abf.gov.au>, "AC Customs Compliance Enforcement & Targeting Executive Support" <S. 22(1)(a)(ii)@abf.gov.au>
Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=~~PROTECTED~~]

~~PROTECTED~~

Thanks JT,

All noted and appreciated.

S. 47C(1)

Thanks again

Tony

Tony Smith
 Assistant Commissioner
 Customs Compliance, Enforcement & Targeting Division
 National Operations Group

W: S. 22(1)(a)(ii)
 M: -
 Email: S. 22(1)(a)(ii)@abf.gov.au

EA – S. 22(1)(a)(ii)@abf.gov.au



~~PROTECTED~~

From: John TAYLOR <S. 22(1)(a)(ii)@abf.gov.au>
Sent: Friday, 24 May 2024 4:32 PM
To: Tony SMITH <S. 22(1)(a)(ii)@abf.gov.au>
Cc: S. 22(1)(a)(ii)@abf.gov.au <S. 22(1)(a)(ii)@abf.gov.au>; S. 22(1)(a)(ii)@abf.gov.au <S. 22(1)(a)(ii)@abf.gov.au>
Subject: FW: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=~~PROTECTED~~]

~~PROTECTED~~

AC Smith

s. 47E(d)

Thanks

JT

John Taylor
 Commander - Customs Enforcement
 Customs Compliance, Enforcement and Targeting I National Operations Group

Australian Border ForcePh: ~~s. 22(1)(a)(ii)~~Mob: ~~s. 22(1)(a)(ii)~~Email: ~~s. 22(1)(a)(ii)~~@abf.gov.au

Executive Assistant:

~~s. 22(1)(a)(ii)~~E: ~~s. 22(1)(a)(ii)~~@abf.gov.au~~PROTECTED~~

From: ~~s. 22(1)(a)(ii)~~@abf.gov.au>

Sent: Friday, 24 May 2024 3:40 PM

To: John TAYLOR ~~s. 22(1)(a)(ii)~~@abf.gov.au>

Cc: ~~s. 22(1)(a)(ii)~~@abf.gov.au>

Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=~~PROTECTED~~]

~~PROTECTED~~

Hi John,

s. 47E(d), s. 47F(1)

Happy to discuss the above.

Regards,

Released by Department of Home Affairs
 under the Freedom of Information Act 1982

PROTECTED**From:** John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>**Sent:** Friday, 24 May 2024 2:16 PM**To:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@abf.gov.au>**Subject:** FW: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=OFFICIAL:Sensitive]**OFFICIAL: Sensitive**

Hi s. 22(1)(a)(ii)

Latest email.

s. 22(1)(a)(ii)

Thanks

JT

John Taylor
 Commander - Customs Enforcement
 Customs Compliance, Enforcement and Targeting | National Operations Group

Australian Border Force

Ph: s. 22(1)(a)(ii)

Mo s. 22(1)(a)(ii)

Email: s. 22(1)(a)(ii)@abf.gov.au

Executive Assistant:

s. 22(1)(a)(ii)

E: s. 22(1)(a)(ii)@abf.gov.au

**OFFICIAL: Sensitive****From:** s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@homeaffairs.gov.au>**Sent:** Friday, 24 May 2024 8:26 AM**To:** Tony SMITH <s. 22(1)(a)(ii)@abf.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@abf.gov.au>; Gemma SMYTH <s. 22(1)(a)(ii)@homeaffairs.gov.au>**Cc:** CTCC Executive Support <s. 22(1)(a)(ii)@homeaffairs.gov.au>; AC Customs Compliance Enforcement & Targeting Executive Support <s. 22(1)(a)(ii)@abf.gov.au>;

John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>; s. 22(1)(a)(ii) <s. 22(1)(a)(ii)@abf.gov.au>

Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=OFFICIAL:Sensitive]**OFFICIAL: Sensitive**

Many thanks Tony and s. 22(1)(a)(ii) much appreciated!

Have provided the below to our Dep Sec's office to pass to OSEC.

Very grateful for the quick advice.

Thanks,

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Assistant Secretary
 Counter-Terrorism Operational Coordination
 Counter-Terrorism Coordination Centre
 Department of Home Affairs
 Ph: s. 22(1)(a)(ii) M: s. 22(1)(a)(ii)
 E: s. 22(1)(a)(ii)@homeaffairs.gov.au

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 under the Freedom of Information Act 1982

From: Tony SMITH <s. 22(1)(a)(ii)@abf.gov.au>
Sent: Thursday, 23 May 2024 8:39 PM
To: s. 22(1)(a)(ii)@abf.gov.au; s. 22(1)(a)(ii)@homeaffairs.gov.au; s. 22(1)(a)(ii)@homeaffairs.gov.au
Cc: CTCC Executive Support <s. 22(1)(a)(ii)@homeaffairs.gov.au>; AC Customs Compliance Enforcement & Targeting Executive Support <s. 22(1)(a)(ii)@abf.gov.au>; John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>; s. 22(1)(a)(ii)@abf.gov.au
Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks s. 22(1)(a)(ii)

I've made a couple of amendments to your suggestion (highlighted in green) and incorporated s. 22(1)(a) addition too. Let me know if you have any questions.

Thanks Tony

Tony Smith
Assistant Commissioner
Customs Compliance, Enforcement & Targeting Division
National Operations Group

W: s. 22(1)(a)(ii)
M: s. 22(1)(a)(ii)
Email s. 22(1)(a)(ii)@abf.gov.au

EA – s. 22(1)(a)(ii)@abf.gov.au



From: s. 22(1)(a)(ii)@homeaffairs.gov.au
Sent: Thursday, 23 May 2024 5:44 PM
To: s. 22(1)(a)(ii)@abf.gov.au; s. 22(1)(a)(ii)@homeaffairs.gov.au
Cc: CTCC Executive Support <s. 22(1)(a)(ii)@homeaffairs.gov.au>; AC Customs Compliance Enforcement & Targeting Executive Support <customs.acoffice@abf.gov.au>; John TAYLOR <s. 22(1)(a)(ii)@abf.gov.au>; s. 22(1)(a)(ii)@abf.gov.au; s. 22(1)(a)(ii)@abf.gov.au
Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Tony and John,

S. 47C(1)

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under the Freedom of Information Act 1982

S. 47C(1)

///

Grateful for your views and I will finalise and pass to the Secretary's Office tomorrow morning.

Kind regards,
Natasha

S. 22(1)(a)(ii)
A/g Assistant Secretary
Counter-Terrorism Operational Coordination
Counter-Terrorism Coordination Centre
Department of Home Affairs
Ph: S. 22(1)(a)(ii) M: S. 22(1)(a)(ii)
E: S. 22(1)(a)(ii) @homeaffairs.gov.au

OFFICIAL: Sensitive

From: Tony SMITH S. 22(1)(a)(ii) @abf.gov.au>
Sent: Thursday, 23 May 2024 4:53 PM
To: Gemma SMYTH S. 22(1)(a)(ii) @homeaffairs.gov.au>; S. 22(1)(a)(ii) @homeaffairs.gov.au>
Cc: CTCC Executive Support <S. 22(1)(a)(ii) @homeaffairs.gov.au>; AC Customs Compliance Enforcement & Targeting Executive Support <S. 22(1)(a)(ii) @abf.gov.au>; John TAYLOR <S. 22(1)(a)(ii) @abf.gov.au>
Subject: RE: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Gemma

Apologies for the delayed response. I've been in a planning day all day and just coming back to the inbox now.

Essentially, I think it's fair to say that the ABF has been looking for the same details that you have flagged and we agree it's important to land the position that needs to be taken for Estimates as soon as possible. I understand that ABF teams reached out to your team earlier this week seeking a similar guide as to how the CTCC was planning to approach potential questions.

We don't have a specific brief on this subject but we do have versions of the QoN's, FOI's (from CTCC) and intervention information developed as supporting papers.

The ABF doesn't have a CT Policy team and while there is general interest with respect to Australian citizens heading offshore to fight for foreign militaries, any investigation into suspected foreign fighters is undertaken by partner agencies as opposed to the ABF who are focussed on the border intervention.

The questions posed to the Dept and the ABF at Estimates and via QoN's and FOI's suggest that the ABF would have a role post border to determine if an individual factually arrived in Israel and further to this, engaged in military activity in the conflict. From a factual sense, the ABF could become aware that an individual has intent to travel to Israel and may indicate that they are intending to engage in military activity but as for whether they did travel to Israel and engage is a question that the ABF can't answer. We do not track Australian citizens once they depart Australian ports and from my understanding, Israel is not declared as a an area prohibited for travel so we are not in a position to restrict travel.

I'm with you in trying to land exactly how we are going to approach this Gemma so I'm happy to take lead into the ABF to work this through tomorrow.

Please let me know how we can assist.

Thanks Tony

Tony Smith
Assistant Commissioner
Customs Compliance, Enforcement & Targeting Division
National Operations Group

W: S. 22(1)(a)(ii)
M: S. 22(1)(a)(ii)
Email S. 22(1)(a)(ii) @abf.gov.au

EA - S. 22(1)(a)(ii) @abf.gov.au



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under the Freedom of Information Act 1982

OFFICIAL: Sensitive

From: Gemma SMYTH [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)>
Sent: Thursday, 23 May 2024 12:59 PM
To: Tony SMITH [S. 22\(1\)\(a\)\(ii\) @abf.gov.au](#)>; [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)>
Cc: CTCC Executive Support [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)>
Subject: Urgent - Senate Estimates - individuals travelling from Australia to fight for foreign militaries [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi Tony

s. 47C(1)

Happy to talk through but Stephanie wants something by tomorrow morning on this.

G

Gemma Smyth
First Assistant Secretary
Counter-Terrorism Coordination Centre
Department of Home Affairs
P: [S. 22\(1\)\(a\)\(ii\)](#) | M: [S. 22\(1\)\(a\)\(ii\)](#)
E: [S. 22\(1\)\(a\)\(ii\) @homeaffairs.gov.au](#)



The Department of Home Affairs and the Australian Border Force acknowledge the Traditional Custodians throughout Australia and their continuing connection to land, sea and the community. We pay respect to all Aboriginal and Torres Strait Islander peoples, their cultures and to their Elders past and present.

OFFICIAL: Sensitive

OFFICIAL: Sensitive

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under the *Freedom of Information Act 1982*

OFFICIAL

Back Pocket Brief Number: CTCC-04

BACK POCKET BRIEF

**Home Affairs Portfolio
Department of Home Affairs
Budget Estimates Hearing – May 2024**

BACK POCKET BRIEF

Topic: Conflict in Israel and Occupied Palestinian Territories

Group: National Security and Resilience

Division: Counter-Terrorism Coordination Centre

National Coordination Mechanism

s. 22(1)(a)(ii)

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under the *Freedom of Information Act 1982*

OFFICIAL

Clearing Officer: Gemma Smyth | A/g First Assistant Secretary, Counter-Terrorism Coordination
Centre
SB24-000402

Page 1 of 4
As at 22 April 2024

OFFICIAL**Back Pocket Brief Number: CTCC-04****Travel to foreign conflict zones**

- Australian Government agencies are alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- There is a range of measures in place to deter foreign fighters travelling to overseas conflict zones, including ‘Do not travel’ advice, passport refusal, cancellation and suspension action, s. 22(1)(a)(ii).
- Australians who travel to fight who are not serving in the armed forces of a foreign country may be committing a criminal offence.

s. 22(1)(a)(ii)

- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

s. 22(1)(a)(ii)

OFFICIAL

OFFICIAL

Back Pocket Brief Number: CTCC-04

s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

OFFICIAL

OFFICIAL**Back Pocket Brief Number: CTCC-04**

Statistics Date Ranges – May 2024 Additional Estimates	
Since last hearing	1 January 2024 – 31 March 2024
Financial Year	1 July 2023 – 31 March 2024

OFFICIAL



MEETING BRIEF
The Hon Andrew Giles MP

Key logistics	
Meeting	Roundtable discussion with leaders of the Lebanese community
Date and time	Thursday 4 April 2024, 9:00 am - 10:00 am
Location	s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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under the Freedom of Information Act 1982

Foreign fighters

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.

- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

• s. 22(1)(a)(ii)

- We have strong laws aimed at discouraging people of security concern travelling to engage in hostilities, including passport cancellations where criteria are met, s. 22(1)(a)(ii).
- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis. If you s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Australian citizens returning to Australia

- The Australian Border Force works closely with domestic and international agencies to ensure that any threats or risks posed by persons seeking to enter Australia are appropriately managed.
- The Australian Government is committed to protecting the safety of all Australians, and has robust domestic measures and strong international partnerships in place s. 22(1)(a)(ii).
- Consistent with this approach, there are appropriate security checks for anyone travelling to Australia.
- Australia also has strong laws aimed at discouraging the movement of Australians who pose security concerns including passport cancellations
 - s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

BACK POCKET BRIEF

Home Affairs Portfolio
Department of Home Affairs
Spillover Estimates Hearing – March 2024

BACK POCKET BRIEF

Topic: Conflict in Israel and Occupied Palestinian Territories

Group: National Security and Resilience

Division: Counter-Terrorism Coordination Centre

s. 22(1)(a)(ii)

Travel to foreign conflict zones

- Australian Government agencies are alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- We have strong laws aimed at discouraging such actions by people of security concern, including passport cancellations where certain criteria are met, and foreign incursions and recruitment offences
- Australians who travel to fight who are not serving in the armed forces of a foreign country may be committing a criminal offence.

• s. 22(1)(a)(ii)

- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

If asked: What measures is the Australian Government taking to combat foreign fighters travelling to conflict zones [i.e. Lebanon]?

- There is a range of measures in place to deter foreign fighters travelling, including 'Do not travel' advice, passport refusal, cancellation and suspension action, s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

OFFICIAL

Back Pocket Brief Number: CTCC-06

s. 22(1)(a)(ii)

OFFICIAL
Clearing Officer: Chris Field, First Assistant Secretary, Counter-Terrorism Coordination Centre

SB23-001255

Page 7 of 7
As at 14 March 2024

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under the *Freedom of Information Act 1982*

From: s. 22(1)(a)(ii)
To: s. 22(1)(a)(ii)
Cc: [CT Legal Policy](#); s. 22(1)(a)(ii)
Subject: RE: Min corro response lines [SEC=OFFICIAL]
Date: Wednesday, 6 March 2024 5:20:15 PM
Attachments: [Ext Corro_MC24-002353.pdf](#)
[COUNTER TERRORISM POLICY \(CONEILNSRG-CTCCDEPTSurname First\) \(5.17 KB\).msg](#)

OFFICIAL

s. 22(1)(a)(ii)

OFFICIAL

From: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Sent: Wednesday, 6 March 2024 3:59 PM
To: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Cc: s. 22(1)(a)(ii) @homeaffairs.gov.au>; CT Legal Policy
s. 22(1)(a)(ii) @homeaffairs.gov.au>; s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>; s. 22(1)(a)(ii)
s. 22(1)(a)(ii) @HOMEAFFAIRS.GOV.AU>
Subject: FW: Min corro response lines [SEC=OFFICIAL]

OFFICIAL

s. 22(1)(a)(ii)

For your consideration and clearance please.

From: s. 22(1)(a)(ii) @homeaffairs.gov.au>
Sent: Wednesday, 6 March 2024 10:46 AM
To: CT Legal Policy s. 22(1)(a)(ii) @homeaffairs.gov.au>
Cc: CT Operational Coordination s. 22(1)(a)(ii) @homeaffairs.gov.au>
Subject: Min corro response lines [SEC=OFFICIAL]

OFFICIAL

Hi team,

We have received the attached mincorro regarding citizens travelling and returning from fighting for the IDF.

I am wondering if you have any standard response lines as the corro addresses s. 22(1)(a)(ii) ?

s. 22(1)(a)(ii)

Thank you!

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

A/g Assistant Director | CT Operational Coordination
Counter-Terrorism Coordination Centre | Department of Home Affairs
Ph: s. 22(1)(a)(ii) | Mob: s. 22(1)(a)(ii)
E: s. 22(1)(a)(ii) @homeaffairs.gov.au | S: s. 22(1)(a)(ii)
E: s. 22(1)(a)(ii) @homeaffairs.gov.au



The Department of Home Affairs and the Australian Border Force acknowledge the Traditional Custodians throughout Australia and their continuing connection to land, sea and the community. We pay respect to all Aboriginal and Torres Strait Islander peoples, their cultures and to their Elders past and present.

OFFICIAL

27/01/2024 6:05:26 PM
Andrew Giles

s. 47F(1)

Australian-Israeli citizens actively fighting for the Israel Defence Force

I write to the Minister for Home Affairs and the Minister for Immigration, with respect to the ongoing national security risk that is posed by dual Australian-Israeli citizens returning to Australia following active duty with the Israeli Defence Force.

As you would be aware, the State of Israel, and by extension, the Israel Defence Force, are currently before the International Court of Justice for the crime of genocide against the Palestinian people in Gaza since 7 October, 2023. The ICJ has ruled that there is a plausible risk of genocide, and ordered Israel cease the killing Palestinians in Gaza (amongst other rulings).

Therefore, it stands to reason that to allow dual Australian-Israeli citizens returning to Australia after active duty with the IDF pose an unacceptable risk to Australia's national security and the safety of individual Australian citizens, given their likely involvement in the crime of genocide.

s. 22(1)(a)(ii)

Regards,
s. 47F(1)

From: [O'Neil, Clare \(MP\)](#)
To: [SCU](#)
Subject: COUNTER TERRORISM POLICY (C/O'NEIL/NSRG-CTCC/DEPT/Surname, First)
Date: Wednesday, 24 January 2024 12:23:30 PM

-----Original Message-----

From: S. 47F(1)
Sent: Tuesday, January 23, 2024 9:40 PM
To: O'Neil, Clare (MP) S. 22(1)(a)(ii) @aph.gov.au>
Subject: Israel Genocide

Dear Hon Claire O'Neil,

I write to you as the Minister for Home Affairs, with respect to the ongoing national security risk that is posed by dual Australian-Israeli citizens returning to Australia after active duty with the Israeli Defence Force.

As you would be aware, the Israeli Government, and by extension, the Israel Defence Force, are currently before the International Court of Justice for the crime of genocide against the Palestinian people in Gaza since 7 October, 2023.

Therefore, it stands to reason that to allow dual Australian-Israeli citizens returning to Australia after active duty with the IDF poses an unacceptable risk to Australia's national security and the safety of individual Australian citizens.

S. 22(1)(a)(ii)

Kind Regards,
S. 47F(1)

BACK POCKET BRIEF

**Home Affairs Portfolio
Department of Home Affairs
Additional Estimates Hearing – February 2024**

BACK POCKET BRIEF

Topic: Conflict in Israel and Occupied Palestinian Territories

Group: National Security and Resilience

Division: Counter-Terrorism Coordination Centre

s. 22(1)(a)(ii)

Travel to foreign conflict zones

- Australian Government agencies are alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- We have strong laws aimed at discouraging such actions by people of security concern, including passport cancellations where certain criteria are met, and foreign incursions and recruitment offences
- Australians who travel to fight who are not serving in the armed forces of a foreign country may be committing a criminal offence.

• **s. 22(1)(a)(ii)**

- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

If asked: What measures is the Australian Government taking to combat foreign fighters travelling to conflict zones [i.e. Lebanon]?

- There is a range of measures in place to deter foreign fighters travelling, including 'Do not travel' advice, passport refusal, cancellation and suspension action, s. 22(1)(a)(ii)

s. 22(1)(a)(ii)



MEETING BRIEF
The Hon Andrew Giles MP

Key logistics	
Meeting	Melbourne Lebanese Community Leader Roundtable
Date and time	Wednesday, 17 January 2024, 1.45 PM – 3.30 PM
Location	s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Attachment C: Whole of Government Talking Points

s. 22(1)(a)(ii)

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

s. 22(1)(a)(ii)

If raised: Australian citizens serving with the IDF

- Australia's consistent position in the Hamas-Israel conflict is to call for the protection of civilian lives and the observation of international humanitarian law.
- Under the Criminal Code Act 1995 (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country
 - this discourages Australians from fighting in overseas conflicts and endangering their lives and the lives of others
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- Foreign fighters who have returned to Australia are considered by law enforcement and security agencies on a case-by-case basis.

Foreign fighters

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.
- Australia's consistent position in the Hamas-Israel conflict, and in all conflicts, is to call for the protection of civilian lives and the observation of international humanitarian law.

• s. 22(1)(a)(ii)

- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.

• s. 22(1)(a)(ii)

s. 22(1)(a)(ii)



MEETING BRIEF
The Hon Andrew Giles MP

Key logistics	
Meeting	NSW Lebanese Community Leader Roundtable
Date and time	Tuesday 16 January 2024, 130 PM – 300 PM
Location	s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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Attachment C: Whole of Government Talking Points

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Foreign fighters

- The Australian Government is alert to the potential for Australians to travel to Israel and the Occupied Palestinian Territories and engage in hostilities.
- Under the *Criminal Code Act 1995* (Criminal Code), it is an offence for Australians to engage in hostile activities overseas, unless serving in or with the armed forces of a foreign country.
- The exemption to the foreign incursions offences for serving with the armed forces of a foreign country does not extend to other Commonwealth criminal offences.
- The Government encourages all Australians who seek to serve with the armed forces of a foreign country to carefully consider their legal obligations, and ensure their conduct does not constitute a criminal offence.

• s. 22(1)(a)(ii)

- We have strong laws aimed at discouraging people of security concern travelling to engage in hostilities, including passport cancellations where criteria are met, s. 22(1)(a)(ii).
- Law enforcement will consider foreign fighters who have returned to Australia on a case-by-case basis.
- s. 22(1)(a)(ii)

s. 22(1)(a)(ii)